

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Modification the South Valley Organics Composting Facility
SWIS No. 43-AA-0017
February 17, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the Santa Clara County Local Enforcement Agency (LEA) request for Department of Resources Recovery and Recycling (Department) concurrence on the issuance of a proposed solid waste facilities permit modification for the South Valley Organics Composting Facility, SWIS No. 43-AA-0017, located in Santa Clara County and owned and operated by Recology Pacheco Pass. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was received on January 4, 2010. Action must be taken on this permit no later than March 5, 2010. If no action is taken by March 5, 2010, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2002 SWFP)	Proposed Permit
Operator/Owner Name	Norcal Waste Systems Pacheco Pass Landfill, Inc.	Recology Pacheco Pass
Permit Condition 17 (k)	All food waste containing feedstock must remain in AG-BAG vessels until pathogen reduction timelines as described in the RCSI have been achieved, unless otherwise approved by the LEA.	All food waste containing feedstock must remain in AG-BAG vessels or under the approved tarp in-vessel system, until timelines described in the RCSI have been achieved, unless otherwise approved by the LEA.
Permit Condition 17 (m)	Only green material or properly composted (8 weeks) bagged material will undergo open windrow composting.	Only green material or properly composted 8 weeks bagged, or 5 weeks of tarped, material will undergo open windrow composting.

Findings:

At the time this staff report was prepared staff recommendation of concurrence with the issuance of the proposed modified permit is contingent to a finding that the facility is in compliance with State Minimum Standards. WCMP staff in the Compliance, Evaluations, and Enforcement Division had not conducted an inspection when this report was written. All of the other required submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act requirements have been met to support concurrence. The findings are summarized in the following table. The documents on which staff's findings are based have been provided to the Assistant Director with this Staff Report and are permanently maintained in the facility files maintained by the Waste Compliance and Mitigation Program.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated December 30, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on April 24, 2007 and provided a copy of the Permit Review Report to the Department on May 1, 2007.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed solid waste facilities permit on January 4, 2010	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on January 4, 2010 provided a finding that the facility is consistent with PRC 50001 and WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Siting Element as described in their memo dated February 8, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	At the time this staff report was prepared, WCMP staff in the Compliance, Evaluations, and Enforcement Division had not conducted an inspection of the facility.	<input type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on November 30, 2009 that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The required Public Notice was posted by the LEA at the subject Facility and at the County of Santa Clara Department of Environmental Health office. No written comments were received by the LEA or WCMP staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed modified solid waste facilities permit. WCMP staff has determined that the CEQA record can be used to support the Assistant Director's action on the proposed modified permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

At the time this staff report was prepared, the facility had not been inspected by WCMP staff in the Compliance, Evaluation, and Enforcement Division.

The following violations were recorded on the LEA's inspection reports for the last 5 years:

In 2005, the LEA noted thirty three (33) violations; nine were for PRC 44014 (b), Operator Complies with Terms and Conditions of Permit; five were for section 17866, General Design Requirements; seven were for section 17867 (a) (2), Vectors/Odors/Litter/Hazards/Nuisance; one was for section 17867 (a) (10), Physical Contamination Refuse Removed from Feedstock,

Compost and Chipped & Ground Material; ten were for section 17863, Report of Composting Site Information; and 1 was for section 17869 (b), Special Occurrences.

In 2006, the LEA noted twenty four (24) violations; eight were for PRC 44014 (b), Operator Complies with Terms and Conditions of Permit; one was for PRC 44014, Significant Change; two were for section 17866, General Design Requirements; five were for section 17867 (a) (2), Vectors/Odors/Litter/Hazards/Nuisance/Noise; four were for section 17863, Report of Composting Site Information; 2 were for section 17867 (a) (8), Fire Prevention, Protection, Control; and two were for section 17863.4, Odor Impact Minimization Plan.

In 2007, the LEA noted three violation; one was for section 17867 (a) (8), Fire Prevention, Protection, Control and two were for section 17867 (a) (2), Vectors/Odors/Litter/Hazards/Nuisance.

In 2008, the LEA noted three violations; two for PRC 44014 (b), Operator Complies with Terms and Conditions of Permit and one for section 17863, Report of Composting Site Information.

No violations were noted in all of 2009 and none for the first month of 2010

The violations for compliance with the Terms and Conditions of the Permit (LEA Permit Condition 17 q.) were due to continued composting, curing and stockpiling of materials on a dirt surface that was saturated with water. Violations for not complying with the Report of Compost Site Information (RCSI) were due to material on site remaining unprocessed for longer than the specified duration on the RCSI. This was due to repeated breakdown of the facilities grinder. Litter violations because of the migration of litter off of the site. Compliance was established after a litter fence was installed. Vector issues were because of flies present in the composting areas. Nuisance and occasional odor complaints were filed with the LEA which resulted in the LEA noting violations of the Odor Impact Minimization Plan requirements. Updates to the RCSI and OIMP to include changes in design and operation for processing of all incoming materials in a timely manner, adding water to the compost, and discontinued practice of pond spraying (with efficient microbes solution). These measures resulted in better compliance.

Environmental Analysis:

State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the proposal is categorically or statutorily exempt.

The Santa Clara County Planning Department, acting as Lead Agency, has prepared a Mitigated Negative Declaration, State Clearinghouse No. 2002022005. This document was circulated for a 45-day review period from February 4, 2002 through March 5, 2002. The document was adopted by the County of Santa Clara Planning Commission on April 19, 2002. The document analyzed for the expansion and operation of the South Valley Organics Composting Facility located at 3675 Pacheco Pass Hwy., Gilroy, Santa Clara County, California.

For the proposed modifications to the current permit, an Addendum to the Mitigated Negative Declaration (see attached) was prepared by the Local Enforcement Agency, the Santa Clara County Department of Environmental Health, to review the use of a tarp system for the composting of food waste composting in addition to the Ag-Bag system. The environmental

impacts of the proposed compost tarp system were found to be less than to those posed by the currently used Ag-Bag system.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document prepared by the Santa Clara County Planning Department as amended by the Santa Clara County Department of Environmental Health, in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of the Lead Agency for its consideration of the Permit.

Local Issues:

A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 5124.02). According to the 2000 census, the population of Census Tract 744.05 indicates that the surrounding population is approximately 88.3% white, 0.6% black or African American, 7.3% Asian and 3.8% some other race. 31.1% of the total population in Census Tract 5124.02 identify themselves as Hispanic or Latino. 8% of the families in the Census Tract were below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

No public comments have been received by Department or LEA staff.

Department Staff Actions:

Staff have not had needed to take any additional actions relative to the proposed permit.